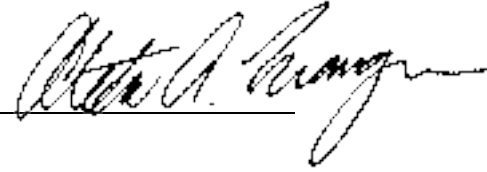


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE



DEMICA D. HAWKINS,)	
)	
Plaintiff,)	No. 3:12-cv-1125
)	JURY DEMAND
v.)	
)	
THE CENTER FOR SPINAL SURGERY,)	JUDGE TRAUGER
and UNITED SURGICAL PARTNERS)	MAGISTRATE JUDGE BRYANT
INTERNATIONAL,)	
)	
Defendants.)	

**DEFENDANT UNITED SURGICAL PARTNERS INTERNATIONAL'S
MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(5) and (6), Defendant United Surgical Partners International ("USPI"), files this motion to dismiss Plaintiff's Complaint against it for insufficient service of process and for failure to state a claim upon which relief can be granted.

For the reasons set forth in the accompanying memorandum of law (incorporated herein by reference), Plaintiff's claims against USPI should be dismissed because (1) Plaintiff failed to serve USPI within 120 days after the Complaint in this matter was filed pursuant to Federal Rule of Civil Procedure 4(m); and (2) Plaintiff's Amended Complaint makes no reference to Defendant USPI.

WHEREFORE, USPI respectfully request that the Court grant its motion to dismiss and enter an order dismissing Plaintiff's Complaint against them, with prejudice.